



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,508	02/14/2000	Peter Daniel Hansen	02052-087001	6709

26171 7590 09/10/2002

FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

EXAMINER

RAO, SHEELA S

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/503,508
Filing Date: February 14, 2000
Appellant(s): HANSEN ET AL.

Diana DiBerardino
For Appellant

EXAMINER'S ANSWER

MAILED
SEP 10 2002
Technology Center 2100

This is in response to the appeal brief filed June 10, 2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-15 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,251,148

HAINES, et al.

10-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Haines, et al. (USPN 5,251,148).

Haines, et al. (hereinafter referred to as "Haines") teach of an integrated process control valve capable of controlling the flow of fluid through the valve. The valve includes an actuator responsive to control signals for moving the throttling element or valve.

Haines teaches the control of the flow rate of a fluid by the position of the valve as claimed in instant claims 1, 2 and 4 in column 2 at lines 36-51. The disclosure states that pressure sensors are disposed at the inlet and outlet of the valve body for producing values representing the pressure of the fluid at the respective locations. A utilization device receives these measurements and develops signals to adjust or control movement of the throttling element or valve accordingly, in response to the estimated and/or calculated values.

As per the limitations for the calculating steps, instant claims 3, 5-7, 9-11, and 13-15, the claims of the patented invention disclose the features of the instant claims by expressing the variables for calculating the parameters, i.e. pressure and temperature, of the control method as claimed. See patented claims 1-10 in columns 8-10.

For the reasons stated above, the limitations of the claimed invention is taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

(11) Response to Argument

Applicant argues that the reference of prior art to Haines, et al. does not describe or suggest the determination of a target valve stem position based on the target flow rate. Examiner refers to column 7, line 58 to column 8, line 2, wherein Haines teaches the setting of a flow rate, determining the valve position to achieve the desired flow rate and the adjusting of the valve as necessary to reach the desired results.

As for the Applicant's comments regarding the determination of a pressure coefficient and calculation of the flow area, Haines teaches these steps in Figure 5.

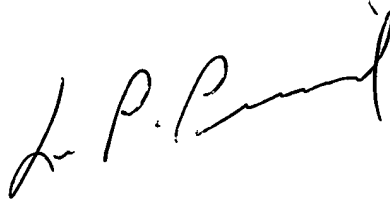
The controller, as depicted by the flowchart of Figure 5, is used for calculating the flow rate. See column 7, lines 12, et seq.

The prior art of reference to Haines, et al. teaches and/or clearly suggests the limitations of the instant invention. It is for this and the aforementioned reasons that instant claims 1-15 are not patentably distinct from the prior arts of record.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sheela S. Rao
September 4, 2002



**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**

Diana DiBerardino
Fish & Richardson PC
601 13th Street NW
Washington, DC 20005